

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

862 ADAMS AVENUE, APARTMENT A
EL CENTRO, CALIFORNIA 92243APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: '07 MJ 8949

I, LUIS A. SAENZ being duly sworn depose and say:I am a(n) Special Agent with U. S. Immigration & Customs Enforcement and have reason to believe
Official Titlethat ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

REFER TO ATTACHMENT A

in the SOUTHERN District of CALIFORNIA

there is now concealed a certain person or property, namely (describe the person or property to be seized)

REFER TO ATTACHMENT B

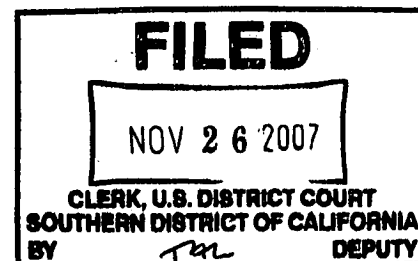
which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

constitutes evidence of a criminal offense and has been used as a means for committing a criminal offense.

concerning a violation of Title 21 United States code, Section(s) 841(a)(1), 846, 952 & 960

The facts to support a finding of probable cause are as follows:

REFER TO ATTACHED AFFIDAVIT OF ICE SPECIAL AGENT LUIS A. SAENZ.



Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

Signature of Affiant

Sworn to before me and subscribed in my presence,

11-26-07 @ 3:14pm
Date

at

EL CENTROCALIFORNIA

City

State

Peter C. LewisU.S. Magistrate Judge

Name of Judge

Title of Judge

Signature of Judge

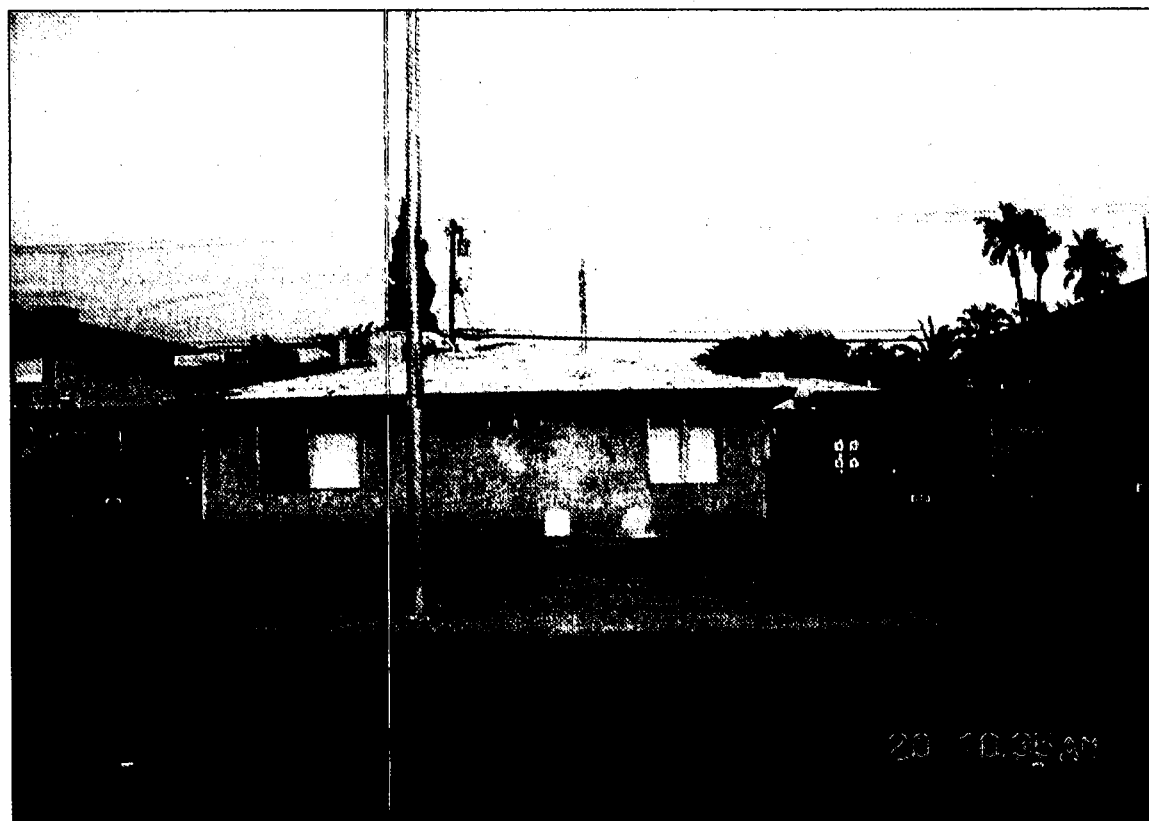
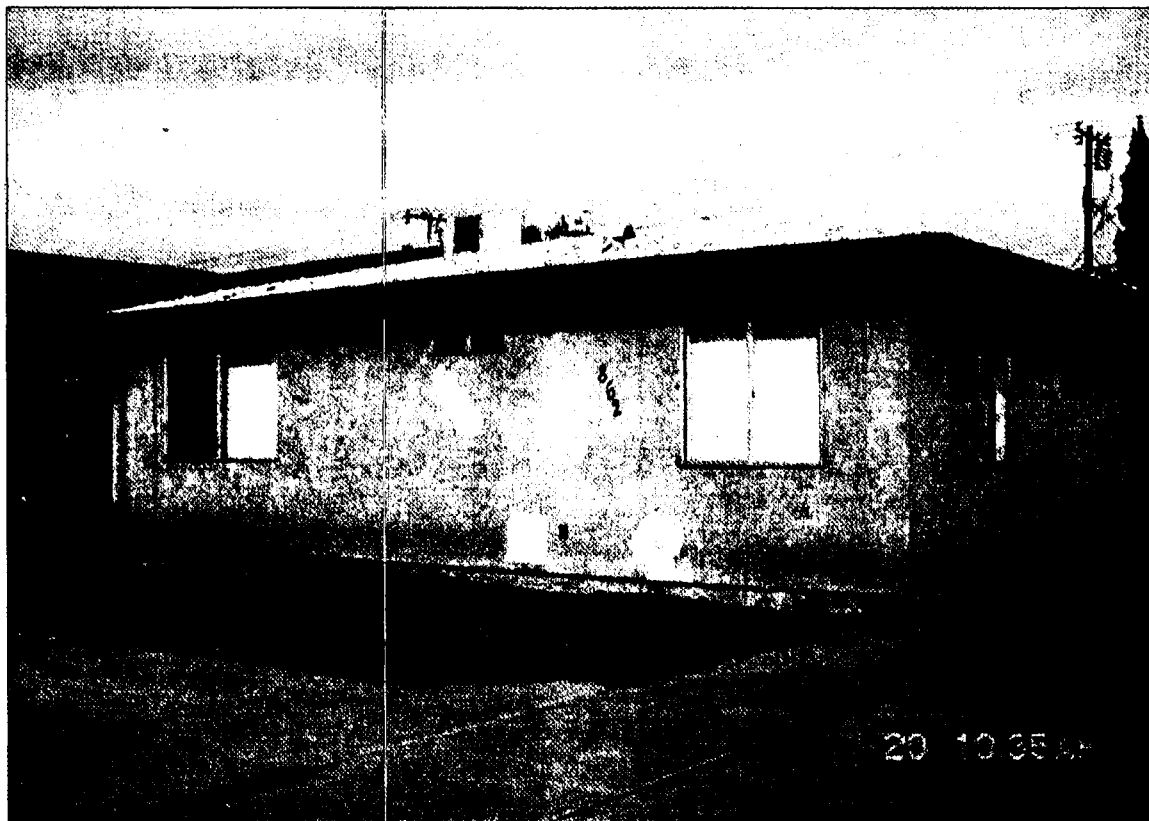
ATTACHMENT A

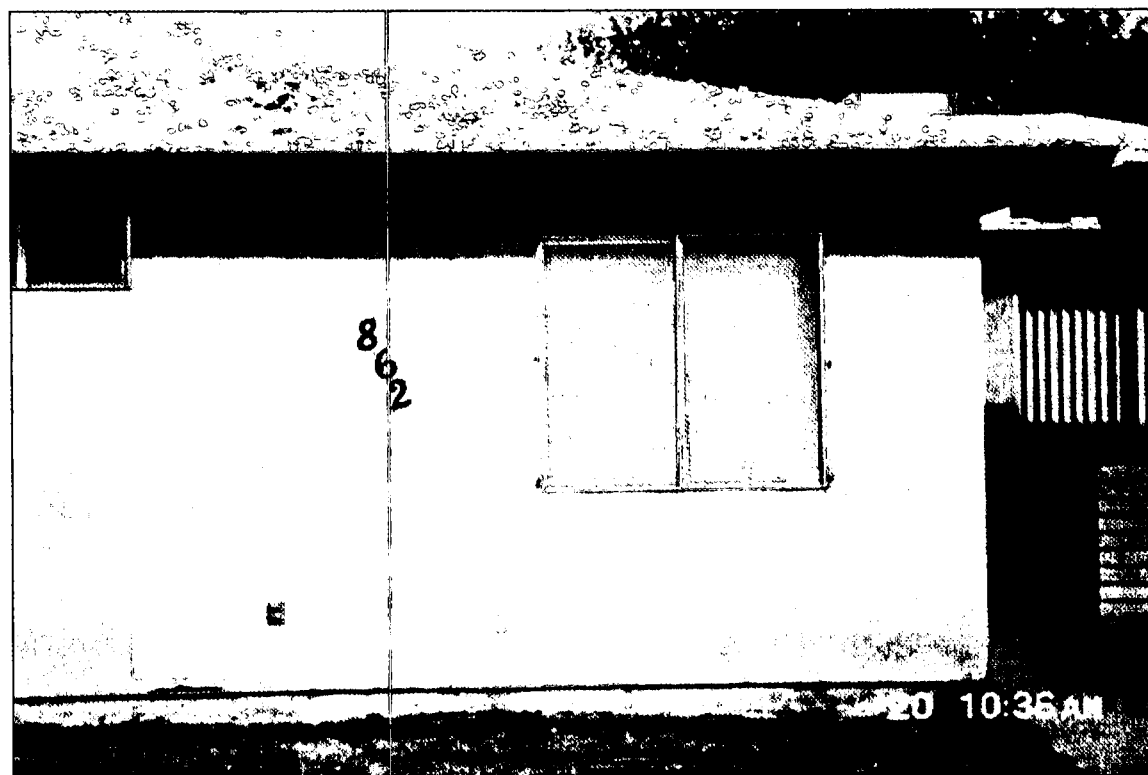
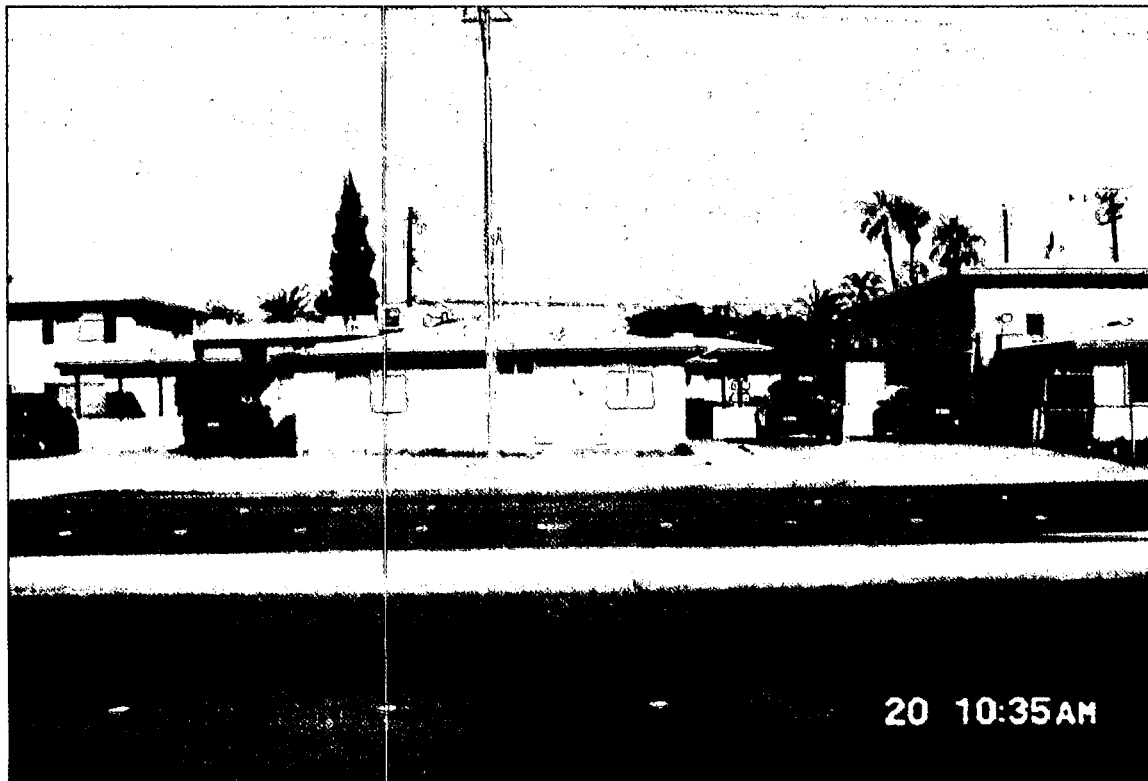
DESCRIPTION OF PROPERTY TO BE SEARCHED

862 Adams, Apt A, El Centro, CA, 92243 is described as a multi-family, one story apartment building. The apartments consist of four units. Three of the residences are conjoined side by side, and the fourth residence is connected to the other three by a roof with a passageway separating the two structures. The apartments are tan stucco with brown trim around the roof. The doors of the residences face a common sitting area within the complex. The numbers "862" are affixed and visible in large black numbers on the southernmost wall of the complex visible to Adams Avenue in El Centro, CA. The apartment complex is located on the northern side of Adams Avenue in El Centro, CA. The letter of each apartment is designated by its corresponding letter visible in characters approximately three inches large and affixed approximately 3/4 up the door from the ground. 862 Adams, Apt A, is the southernmost apartment, closest to Adams Avenue, with the door facing northward toward the alley. It is visible upon immediately turning left in the common sitting area of the apartment complex. Parking stalls are located immediately to the east and west of 862 Adams, Apt A.

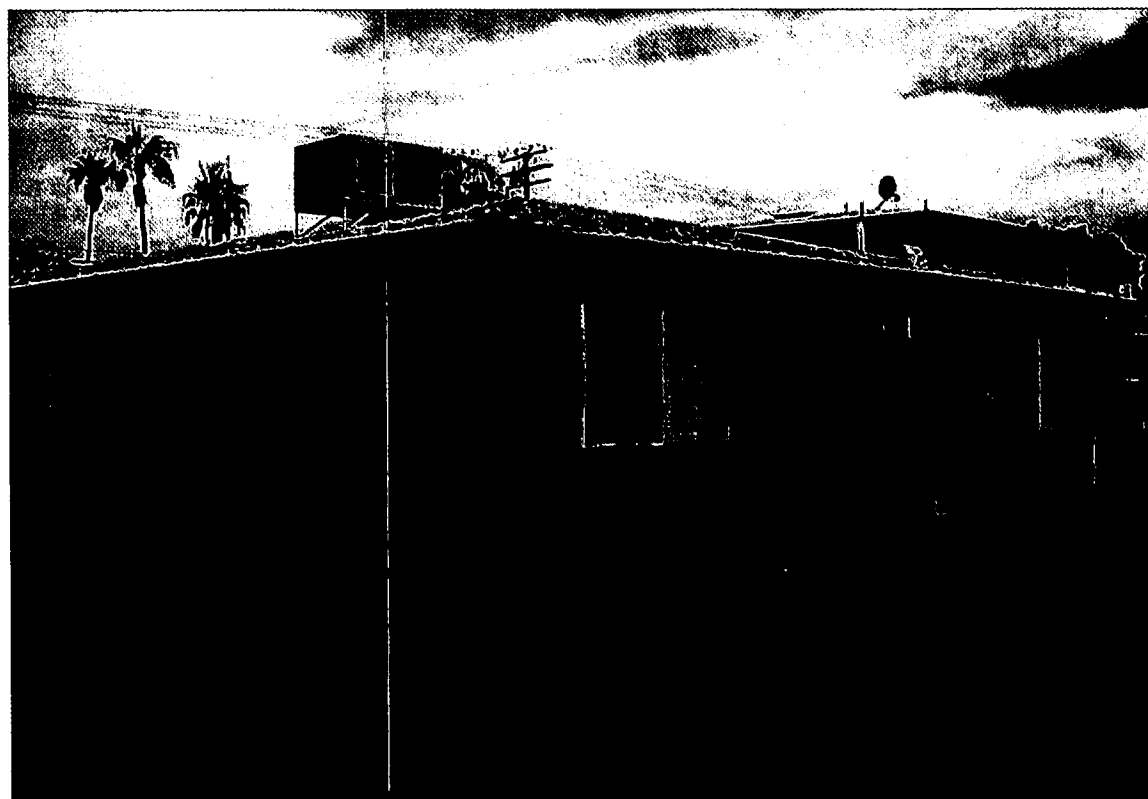
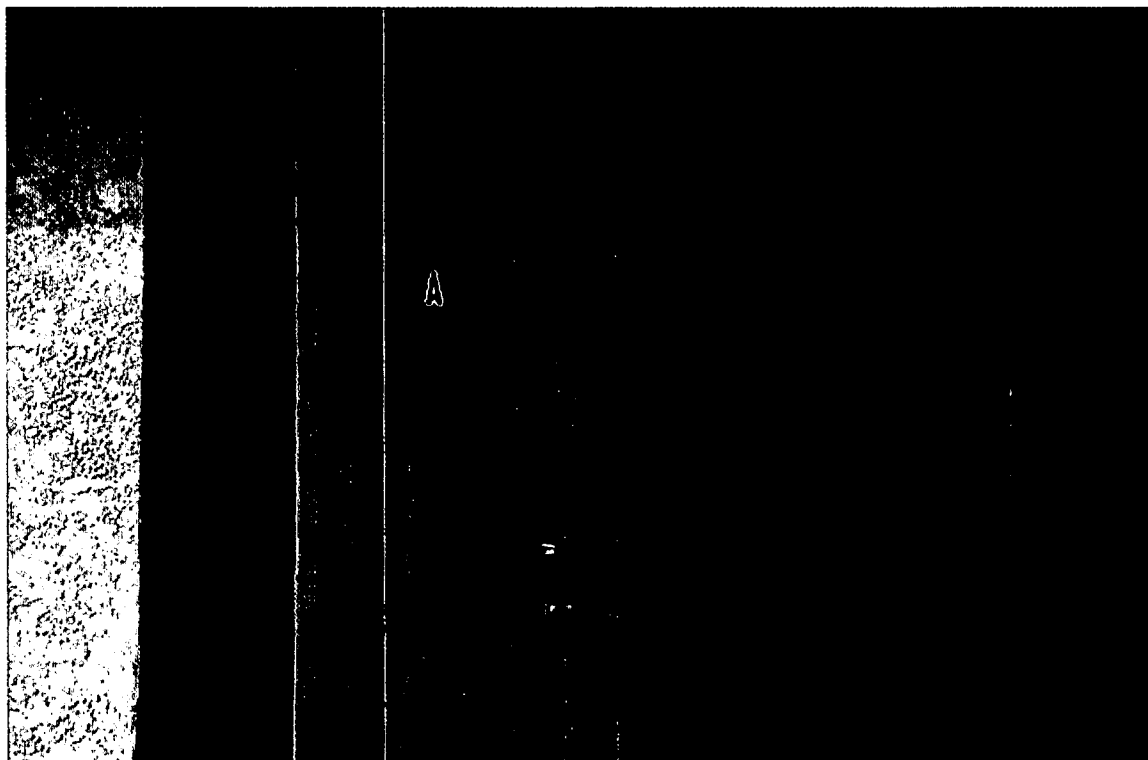
Photographs of the apartment complex containing four residences located at 862 Adams in El Centro, CA is included.











ATTACHMENT B

ITEMS TO BE SEIZED:

a. Documents relating to or memorializing the ordering, purchase, storage, transportation or sale of controlled substances, including buyer lists, seller lists, owe-pay sheets and records of sales, log books, controlled substances ledgers, personal telephone/address books, or notebooks/notepads suppliers, telephone answering pads, records relating to domestic and foreign travel such as credit card receipts, travel schedules, receipts and records, and storage records, such as storage locker receipts;

b. Articles of personal property evidencing the existence of a conspiracy to possess and transport controlled substances, including personal telephone/address books, notebooks/notepads, and papers and documents consisting of lists of names, telephone numbers and/or direct connect numbers;

c. Documents and articles showing the identity of persons occupying, possessing, or controlling the residence to be searched, and;

d. Maps, travel itineraries, addresses, or destinations.

e. Proceeds of drug trafficking to include: cash, bank deposit receipts, bank statements, and other financial records evidencing money related to the transporting of narcotics into the United States from Mexico by CHAIDEZ or other conspirators.

Which are believed to be information constituting evidence of the commission of a criminal offense, to wit: violations of Title 21, United States Codes, 952, 960, and 841(a)(1).

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**In the Matter of the Search of
862 Adams Avenue, Apartment A
El Centro, California, 92243
Tan stucco with Brown trim in color**

**Magistrate Case No.:
AFFIDAVIT OF ICE SPECIAL AGENT
LUIS SAENZ IN SUPPORT
OF SEARCH WARRANT APPLICATION**

I, Luis Saenz, being first duly sworn, hereby depose and say:

PURPOSE

1. This affidavit is made in support of an application for a search warrant for federal agents to search the following residence located at 862 Adams Avenue, Apartment A, El Centro, California, as more particularly described in Attachment "A" for information that constitutes evidence of the commission of a criminal offense, and information which is and has been used as the means for committing a criminal offense.

BACKGROUND AND EXPERTISE

2. I am a Special Agent (SA) with United States Immigration and Customs Enforcement (ICE), which is a component agency of the Department of Homeland Security. I have been employed as an ICE Special Agent since May 2006. I have been cross-designated by the United States Drug Enforcement Administration (DEA) to conduct narcotics investigations and enforce provisions of the Federal Controlled Substances Act, pursuant to Title 21 of the United States Code. Prior to being employed by ICE, I was a United States Customs and Border Protection (CBP) Enforcement Officer from March 2003 to May 2006. My primary duties were to enforce and investigate criminal violations pursuant to Title 8 and Title 18 of the United States Code, and administrative violations of the Immigration and Nationality Act of the United States. Once the violations were confirmed, I would arrest, process, and/or detain violators for criminal prosecution in the Southern District of California or present them before an Immigration Judge in

the Department of Justice's Executive Office of Immigration Review. I started my career as an Immigration Inspector for the United States Immigration and Naturalization Service within the Department of Justice in August 1995. I progressed in rank and responsibility from the level of trainee Immigration Inspector to Acting Supervisory Immigration Inspector. My responsibilities at the Calexico, CA Ports of Entry included: detecting, deterring, and apprehending prohibited controlled substances, as well as inspecting applicants for admission into the United States from the Republic of Mexico, and to determine citizenship and admissibility of those applicants.

3. As an ICE Special Agent, I have participated in training programs related to controlled substances, including but not limited to marijuana, cocaine, methamphetamine and heroin. I have also received training in the methods used by narcotics traffickers to import, distribute, package and conceal controlled substances. Moreover, I have participated in investigations and executed arrests for drug-related offenses, including possession with the intent to distribute, transportation and the importation of controlled substances.

4. This statement is made in support of an application for a search warrant to search one residence that is believed to contain evidence of violations of Title 21, United States Code, Sections 952 and 960, importation of a controlled substance, and Title 21, United States Code, Sections 841(a)(1), possession of a controlled substance with intent to distribute.

5. This affidavit does not contain all of the information known to federal agents regarding this investigation, but rather, contains only those facts believed to be necessary to establish probable cause.

6. Based upon my training and experience as a Special Agent, consultations with other Special Agents and law enforcement officers experienced in drug trafficking investigations, and all the facts and opinions set forth in this affidavit, I submit the following:

a. Drug traffickers will meet in the residences of each other to discuss the transportation of narcotics into the United States;

b. Drug traffickers will possess on their person and/or in their residences notebooks, address books, or ledgers listing other identities / phone numbers of conspirators involved in the trafficking, sale, or distribution of narcotics;

c. Drug traffickers will rent multiple residences, storage units, or other facilities for warehousing, storing, or staging narcotics to be moved to onward locations within the United States;

d. Drug traffickers pay individuals to rent residences, storage units, or other facilities to accommodate the warehousing, storing, or staging of narcotics that are to be moved to onward locations within the United States;

e. ICE agents will physically examine the residence and record their findings using digital photography.

SUMMARY OF INVESTIGATION / FACTS SUPPORTING PROBABLE CAUSE

7. This affidavit is based on the reports and documents furnished to U. S. Immigration and Customs Enforcement Special Agent Luis Saenz.

8. On November 18, 2007, at approximately 2129 hours, Patricia Marie CHAIDEZ attempted to enter the United States from the Republic of Mexico at the Calexico, CA West Port of Entry. CHAIDEZ was the driver of a 1998 white Lincoln Navigator and was accompanied by Yolanda Rojas NEWLAND.

9. Customs and Border Protection Officers (CBPO) were conducting pre-primary operations with canine units as CHAIDEZ approached the vehicle primary inspection area. CBP Canine Enforcement Officer (CEO) J. Jones noticed his canine unit alerted to the gas tank of the vehicle driven by CHAIDEZ. CEO Jones informed other CBP officers of the alert.

10. In the pre-primary inspection area, CEO Barroso obtained identification from CHAIDEZ and NEWLAND, then conducted an inspection of the vehicle. CEO Barroso noticed the tank sounded solid and appeared to have been tampered. CEO Barroso informed primary inspector CBPO A. Payton of his suspicions and requested CBPO Payton refer CHAIDEZ, NEWLAND, and the vehicle they occupied to the CBP Vehicle Secondary Area after his inspection.

11. CBPO Payton obtained a negative Customs declarations from CHAIDEZ and NEWLAND. CBPO Payton noticed CHAIDEZ seemed to become nervous and fidget her hands

during the primary inspection. CBPO Payton then referred CHAIDEZ, NEWLAND, and the vehicle to the CBP Vehicle Secondary Area for further inspection.

12. In the Vehicle Secondary Area, CBPO J. Becerra obtained a negative customs declaration from CHAIDEZ. CBPO Becerra asked CHAIDEZ about ownership of the vehicle she was driving and their destination. CHAIDEZ stated she purchased the vehicle three months ago and they were going El Centro, CA. CEO Jones and CBPO Becerra conducted a secondary inspection of the vehicle driven by CHAIDEZ. CEO Jones discovered an access panel leading to the vehicle's gas tank beneath the carpet under the seat behind the driver. Discovered within the gas tank of the vehicle driven by CHAIDEZ were forty-four (44) packages, with a combined weight of 48.10 kilograms (105.82 pounds) of cocaine. CBPO Becerra probed a package and it produced a white powdery substance that field-tested positive for cocaine.

13. In a subsequent interview of NEWLAND by Special Agent Saenz, NEWLAND stated she and CHAIDEZ departed CHAIDEZ' residence in El Centro, California in a 2000 Acura owned by CHAIDEZ with the intention of ultimately going to Mexicali, Baja California, Mexico. NEWLAND stated she and CHAIDEZ parked the Acura in a parking facility in Calexico, California and they entered into Mexico together afoot. NEWLAND stated the reason for entering into Mexico afoot was so CHAIDEZ and NEWLAND could retrieve the Lincoln Navigator and drive it into the United States. Upon entering into the United States, NEWLAND stated she was to retrieve and drive CHAIDEZ' Acura to El Centro, California as CHAIDEZ continued to drive the Navigator.

14. A search of the personal affects at the time of the arrest of CHAIDEZ and NEWLAND produced a parking receipt number 16302 for Double AA Parking, located at 201 West 2nd Street, Calexico, California, 92231. The receipt was dated November 18, 2007.

15. On November 19, 2007, SA Saenz conducted an interview of CHAIDEZ. CHAIDEZ elected to invoke her right to remain silent. Biographical questions were asked of CHAIDEZ. CHAIDEZ stated she is a user of methamphetamine. CHAIDEZ stated her last use of methamphetamine was on November 16, 2007. CHAIDEZ claimed she resides at 862 Adams Avenue, Apartment A, El Centro, CA.

16. A query of public databases reflects CHAIDEZ as being the current resident at 862

Adams Avenue, Apartment A, El Centro, CA.

17. On November 19, 2007 SA Saenz and SA C. Herzog traveled to Double AA Parking at 201 West 2nd Street, Calexico, California. SA Saenz and SA Herzog did discover an Acura MDX sports utility vehicle, bearing Vehicle Identification Number: 2HNYD182X1H504176, bearing California license plate 5YNS295, gold in color. Located on the dashboard of the vehicle was a parking receipt dated November 18, 2007 bearing receipt number 16302.

18. On November 19, 2007, SA Saenz requested CBP assist him by providing a narcotics detection dog/handler team to screen the exterior of the vehicle bearing California license plate 5YNS295. SA Saenz observed the narcotics detector dog return several times to the area between the drivers side front and rear doors. SA Saenz asked CBP Canine Enforcement Officer (CEO) D. Alba if this was an indication that the vehicle contained narcotics in that area. CEO Alba stated it was inconclusive. CEO Alba further stated the only manner to provide a more conclusive answer was to inspect the interior of the vehicle in case a residual odor was emanating from the interior.

19. On November 20, 2007 CHAIDEZ and NEWLAND were arraigned before United States Magistrate Judge Peter C. Lewis on a complaint for violation of Title 21, United States Code, 952 and 960, Importation of a Controlled Substance.

20. On November 21, 2007 ICE Office of Investigations Special Agents obtained a search warrant for the 2001 Acura MDX sports utility vehicle bearing Vehicle Identification Number: 2HNYD182X1H504176, bearing California license plate 5YNS295, gold in color. The vehicle was transferred from Double AA Parking at 201 West 2nd Street, Calexico, California to the Calexico, California East Port of Entry.

21. On November 23, 2007 a narcotic detection dog was utilized to screen the interior and exterior of the 2001 Acura MDX sports utility vehicle bearing Vehicle Identification Number: 2HNYD182X1H504176, bearing California license plate 5YNS295. CBP CEO K. Taylor asked SA Saenz if the vehicle had been confirmed to be utilized to transport narcotics. SA Saenz stated there was no confirmed evidence of such actions. CEO Taylor stated his canine unit had responded in a manner that indicated to him the canine unit detected a residual odor of a narcotic substance that may have been present within the vehicle at one time.

22. The search of the 2001 Acura bearing California license plate 5YNS295 produced other receipts from Double AA Parking of 201 West 2nd Street, Calexico, CA. Those receipts corresponded with dates CHAIDEZ entered into the United States from Mexico.

23. Also found within the vehicle were cash deposit receipts from Wells Fargo Bank issued following dates CHAIDEZ entered into the United States from Mexico.

DESCRIPTION OF PROPERTY/ITEMS TO BE SEARCHED

24. The property/items to be searched are further described as: 862 Adams, Apt A, El Centro, CA, 92243 is described as a multi-family, one story apartment building. The apartments consist of four units. Three of the residences are conjoined side by side, and the fourth residence is connected to the other three by a roof with a passageway separating the two structures. The apartments are tan stucco with brown trim around the roof. The doors of the residences face a common sitting area within the complex. The numbers "862" are affixed and visible in large black numbers on the southernmost wall of the complex visible to Adams Avenue in El Centro, CA. The apartment complex is located on the northern side of Adams Avenue in El Centro, CA. The letter of each apartment is designated by its corresponding letter visible in characters approximately three inches large and affixed approximately 3/4 up the door from the ground. 862 Adams, Apt A, is the southernmost apartment, closest to Adams Avenue, with the door facing northward toward the alley. It is visible upon immediately turning left with the common sitting area of the apartment complex. Parking stalls are located immediately to the east and west of 862 Adams, Apt A.

DESCRIPTION OF PROPERTY/ITEMS TO BE SEIZED

25. The items to be seized from the residence are information constituting evidence of the commission of a criminal offense, and information that is and has been used as the means for committing a criminal offense. The specific criminal offenses involved are violations of Title 21, United States Code, Sections 952 and 960, Importation of a Controlled Substance, and Title

21, United States Code, Sections 841(a)(1), Possession of a Controlled Substance with Intent to Distribute. The items to be seized include the items described below:

- a. Documents relating to or memorializing the ordering, purchase, storage, transportation or sale of controlled substances, including buyer lists, seller lists, owe-pay sheets and records of sales, log books, controlled substances ledgers, personal telephone/address books, or notebooks/notepads suppliers, telephone answering pads, records relating to domestic and foreign travel such as credit card receipts, travel schedules, receipts and records, and storage records, such as storage locker receipts;
- b. Articles of personal property evidencing the existence of a conspiracy to possess and transport controlled substances, including personal telephone/address books, notebooks/notepads, and papers and documents consisting of lists of names, telephone numbers and/or direct connect numbers;
- c. Documents and articles showing the identity of persons occupying, possessing, or controlling the residence to be searched, and;
- d. Maps, travel itineraries, addresses, or destinations.
- e. Proceeds of drug trafficking to include: cash, bank deposit receipts, bank statements, and other financial records evidencing money related to the transporting of narcotics into the United States from Mexico by CHAIDEZ or other conspirators.

CONCLUSION

26. Based on the facts contained in this affidavit and my experience and training, I submit that there is probable cause to believe that the residence located at 862 Adams Avenue, Apartment A, El Centro, California, as more particularly described in Attachment "A", contains evidence of violations of Title 21, United States Code, Sections 952 and 960, Importation of a Controlled Substance, and Title 21, United States Code, Section 841(a)(1), Possession of a Controlled Substance with Intent to Distribute. Further, I believe the above-described property / items to be seized will be found when this warrant is served and based on the above-listed probable cause, I specifically request authority to seize the items described above and in Attachment B hereto (which is incorporated by reference herein).

27. I, or any other duly authorized federal agent, will personally serve the warrant requested above, and will be assisted by other duly authorized federal investigators.

28. I have prepared this affidavit in close consultation with several federal agents with whom I work and Assistant U. S. Attorney John F. Weis in the Southern District of California.

I swear the foregoing is true and correct to the best of my knowledge and belief.


LUIS SAENZ
Special Agent
U. S. Immigration & Customs Enforcement

SUBSCRIBED AND SWORN TO BEFORE THIS 26th DAY OF NOVEMBER 2007.


Honorable Peter C. Lewis
United States Magistrate Judge